

96TH CONGRESS } HOUSE OF REPRESENTATIVES { Rept. 96-
2d Session } { 1153 Part 2

INTELLIGENCE OVERSIGHT ACT OF 1980

AUGUST 1, 1980.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ZABLOCKI, from the Committee on Foreign Affairs,
submitted the following

REPORT

[To accompany H.R. 7668]

[Including cost estimate of the Congressional Budget Office]

**COMPLETED
ORIGINAL**

The Committee on Foreign Affairs, to whom was referred the bill (H.R. 7668) to strengthen the system of congressional oversight of the intelligence activities of the United States, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments (stated in terms of the page and line numbers of the introduced bill) are as follows:

(1) Page 3, strike out lines 7 through 15 and insert in lieu thereof the following:

(2) The President may defer, for the shortest practicable period, such prior reporting if at the time the report is given the President certifies that such deferral was essential to meet extraordinary circumstances affecting the vital interest of the United States or was essential to avoid unreasonable risk to the safety or security of the personnel or methods employed.

Page 3, beginning in line 17, strike out "or, in the case of a notification under paragraph (2), of any Member of Congress".

(2) Page 6, after line 23, insert the following:

SEC. 5. Section 662 of the Foreign Assistance Act of 1961 (22 U.S.C. 2422) is repealed.

Amendment to be offered on the House Floor to H.R. 7668 (Page and line numbers are to the bill as introduced).

Page 4, line 4, strike out "The" and insert in lieu thereof

To the extent consistent with all applicable authorities and duties, including those conferred by the Constitution upon the executive and legislative branches of the Government, and to the extent consistent with due regard for the protection from unauthorized disclosure of classified information and information relating to intelligence sources and methods, the.

HISTORY OF BILL

H.R. 7668, the Intelligence Oversight Act of 1980, was reported by the House Permanent Select Committee on Intelligence on July 2, 1980. The bill was referred to the Foreign Affairs Committee for a period ending August 1.

The bill establishes certain Congressional oversight procedures and requirements by the Congress with regard to intelligence matters and amends the National Security Act of 1947. A description of H.R. 7668 as reported by the Intelligence Committee is contained in the committee's report on the bill, House Report 96-1153, Part 1.

The subject matter dealt with by H.R. 7668 had previously been examined by the Foreign Affairs Committee on various occasions, most recently during its consideration of H.R. 6942, the International Security and Development Cooperation Act of 1980. In H.R. 6942, the committee approved a provision amending the so-called Hughes-Ryan amendment, section 662 of the Foreign Assistance Act of 1961, dealing with the reporting to Congress on covert action operations. A description of the proposed amendment and explanation of the committee's view is contained in the committee's report on H.R. 6942, House Report 96-884, Part 1, pp. 26-27 (Sec. 112—Reports to Congress on intelligence activities). H.R. 6942 subsequently was passed by the House on June 5, following floor consideration which included a vote, 325-50, in favor of the Hughes-Ryan revision as proposed by the Foreign Affairs Committee.

After referral of H.R. 7668 to the Foreign Affairs Committee, the committee again considered the matter in meetings held on July 30 and 31. On July 31, it adopted, by a vote of 16 to 11, an amendment similar to that previously included in H.R. 6942, and by voice vote ordered H.R. 7668 favorably reported as amended.

BILL SUMMARY

H.R. 7668 adds a new title V to the National Security Act of 1947. The bill as approved by the Foreign Affairs Committee may be summarized as follows:

Section 501 of the new title supplants the 1974 Hughes-Ryan amendment (sec. 662 of the Foreign Assistance Act of 1961) as the statutory basis for reporting by the executive branch to the Congress on covert intelligence operations abroad, referred to as "special activities". Under the present Hughes-Ryan provision, no CIA special activities may be conducted "unless and until" the President finds each such operation is important to U.S. national security and reports such operation "in a timely fashion" to the appropriate committees of Congress, including the House Foreign Affairs and Senate Foreign

Relations Committees. The reporting under Hughes-Ryan has been provided to eight congressional committees—the foreign affairs, intelligence, armed services and appropriations committees of both Houses.

Under the committee bill, (a) the required report would be made to only the House and Senate Intelligence Committees; (b) the report must cover special intelligence activities carried out by any Government agency, not just the CIA; and (c) except under very limited circumstances, the report must be provided prior to the initiation of the special activity.

The very limited exceptions allowed to the prior reporting requirement are when the President certifies that a deferral (1) was essential to meet extraordinary circumstances affecting the U.S. vital interests, or (2) was essential to avoid unreasonable risk to the safety or security of the personnel or methods employed. In such circumstances, the President may defer reporting only for "the shortest practicable period."

Section 502 deals with congressional oversight of intelligence activities in general. The core provisions are those that establish the statutory requirement that the intelligence agencies—

Keep the intelligence committees fully and currently informed of all intelligence activities which are engaged in by, or are carried out for or on behalf of, that department, agency, or entity of the United States;

Furnish any information or material concerning intelligence activities which is in the possession, custody, or control of that department, agency, or entity of the United States and which is requested by either intelligence committee in order to carry out its authorized responsibilities; and

Report in a timely fashion to the Intelligence Committees information relating to any intelligence activity of that department, agency, or entity that has been reported to the President, to the Attorney General, or to the head of that entity as being illegal or improper.

Finally, the bill, as approved by the Foreign Affairs Committee, repeals the Hughes-Ryan amendment, section 662 of the Foreign Assistance Act of 1961 (22 U.S.C. 2422).

COMMITTEE COMMENT

The committee approved H.R. 7668 as amended because of its continuing belief in the necessity both for a strong U.S. intelligence system and for effective congressional oversight thereof. The fact that the committee amendments to one portion of the bill differ from the version reported by the Intelligence Committee should not be construed as objection to the principal provisions of the legislation or as criticism of the Intelligence Committee, or as a move to protect the jurisdictional domain of the Foreign Affairs Committee. To the contrary, the Foreign Affairs Committee already has taken the lead, in H.R. 6942, the International Security and Development Cooperation Act of 1980, in seeking to revise Hughes-Ryan so that reporting on special intelligence activities would be reduced from eight committees (including the Foreign Affairs Committee) to two committees. In

H.R. 6942, as in H.R. 7668, we favor limiting the reporting solely to the Intelligence Committees. We are pleased to reaffirm our position in this bill.

The Foreign Affairs Committee further believes that its views in the matter are worthy of particular consideration because of its extensive experience and responsibilities in this area. The committee was the co-originator of the Hughes-Ryan amendment in 1974. It has been receiving reports under Hughes-Ryan to this day and has gained in judgment as to what intelligence knowledge by the committee is necessary in relation to effective oversight in foreign affairs.

Because most provisions of H.R. 7668 enjoy wide support and are already discussed in the Intelligence Committee's report on the bill (H. Rept. 96-1153, Part 1), the comments which follow will seek mainly to deal with the limited area of difference between the two Committees on the bill, particularly concerning prior reporting.

PRIOR REPORTING—THE NEED FOR LIMITED EXCEPTIONS

The principal difference between the proposed section 501 of the National Security Act of 1947, as contained in H.R. 7668 as reported by the Intelligence Committee, and the amended version approved by the Foreign Affairs Committee, is as follows:

The Intelligence Committee version of Section 501 requires prior reporting, without any exceptions, of any covert actions or "special activity" by the United States abroad. (At a minimum, the reporting would be to the chairmen and ranking minority members of the House and Senate Intelligence Committees.)

The Foreign Affairs Committee amendment also requires such prior reporting of covert actions or "special activities" (to the two Intelligence Committees), but with deferral permitted under the following two exceptions:

- (1) Where "essential to meet extraordinary circumstances affecting the vital interest of the United States"; or
- (2) Where "essential to avoid unreasonable risk to the safety or security of the personnel or methods employed".

The determination to invoke these exceptions would be up to the President; but if he does defer the reporting, the deferral must be limited to the "shortest practicable period," which means a matter of hours or longer only in exceptional and rare circumstances.

The Foreign Affairs Committee approved this amendment in light of years of experience with the Hughes-Ryan provision, section 662 of the Foreign Assistance Act of 1961. That provision was enacted by the Congress in 1974; following extensive review (including hearings) of the issue this spring, the committee voted to amend the provision. As noted in the Part I Report on H.R. 7668 filed by the Intelligence Committee, the Foreign Affairs Committee's provision has already been approved by the House once this year, in H.R. 6942, by a vote of 325 to 50.

That decisive House vote reflected the belief that a strong intelligence system is vital to the security of the United States. What the committee is trying to face squarely is the reality that in today's imperfect world, there are forces deeply hostile to the United States; and that the United States—for its own protection and survival—

recognizes circumstances in which maximum secrecy for intelligence activities is imperative to protect the national interest.

The committee does not find it necessary—indeed we think it is indefensible—to require prior reporting of covert actions or “special activities” when such reporting could adversely affect the vital interests of the United States.

Likewise the committee cannot support an argument that prior reporting is necessary when disclosure may unreasonably risk intelligence methods or the lives of persons engaged in a “special activity” for the United States or a cooperating country.

The committee also has taken into account both the need for vigorous congressional oversight and the position of the Executive branch that H.R. 7668, as reported by the Intelligence Committee, “provides insufficient flexibility to the President to permit the handling of extremely sensitive covert operations and intelligence collection activities in a manner consistent with the national security interests and the proper constitutional roles of Congress and the President.” The Foreign Affairs Committee believes it has a balanced amendment reflecting both considerations.

The view of the Foreign Affairs Committee that in certain circumstances, it is in the vital interests of the United States to maintain maximum secrecy, is hardly new. Beginning with George Washington, our nation's leaders have utilized executive agents in covert action assignments requiring the utmost secrecy. John Jay addressed the secrecy question in the *Federalist Papers* when he wrote that:

It seldom happens in the negotiation of treaties of whatever nature, but that perfect secrecy and immediate dispatch are sometimes requisite. There are cases where the most useful intelligence may be obtained, in the persons possessing it can be relieved from apprehensions of discovery. Those apprehensions will operate on those persons whether they are actuated by mercenary or friendly motives, there doubtless are many of both descriptions, who would rely on the secrecy of the President, but who would not confide in that of the Senate, and still less in that of a large popular assembly. The convention have done well therefore in so disposing of the power of making treaties, that although the President must in forming them act by the advice and consent of the Senate, yet he will be able to manage the business of intelligence in such manner as prudence may suggest.¹

In facing the realities of the 1980's, we must do more than recognize the traditional intelligence maximum that the fewer people aware of an activity, the greater the prospect for maintaining necessary secrecy. We must also keep in mind that cooperation with and assistance from the intelligence communities of friendly countries around the world is needed for our security. The perception which others have about our ability to maintain secrets determines the extent of their willingness to join and assist us in intelligence work.

Unfortunately, friends and allies of the United States have reservations about the system under which intelligence activities are reported

¹ The *Federalist*, No. 64. Edited by Jacob E. Cooke, Meridian Books, the World Publishing Company, Cleveland and New York, 1961.

to Congress. No other nation in the world requires the amount of intelligence reporting to its legislature as is mandated in the United States and no other nation requires prior reporting. While contentions that congressional committees cannot be entrusted with secret information are exaggerated, the fact is that many foreign observers cannot understand the reporting requirements we have placed on our intelligence services. Our system has had a chilling effect on their enthusiasm for cooperation in the intelligence field.

The Foreign Affairs Committee has received information from the CIA about a number of instances in which foreign intelligence agencies were reluctant or refused to join in intelligence activities since the Congress approved the Hughes-Ryan provision in the mid-1970's.

For example, in 1976, 1977, and again in 1978, U.S. intelligence was unsuccessful in enlisting a particular ally in a covert activity designed to counter the military presence of a third country in another country. The ally questioned U.S. ability to safeguard information and whether the intelligence cooperation requested could be kept from Congressional scrutiny. In 1977 another allied intelligence service proposed a promising joint activity, but withdrew the proposal after being told of the Hughes-Ryan requirement. A year later yet another major friendly intelligence service said they could not be committed to any joint covert action projects with the United States because it was clear that our intelligence service could not guarantee secrecy. Late last year, a long time cooperative foreign intelligence service refused to enter into joint operations in a key area of the world, on grounds that Hughes-Ryan posed unacceptable security risks for them.

Needless to say, the requirement for prior reporting, as contained in H.R. 7668, when such reporting might involve unreasonable risk to the personnel or methods employed in a covert action operation, is not conducive to enlisting personnel in dangerous intelligence work for the United States.

Unfortunately, there is a perception among some friendly foreign intelligence communities that Congressional committees have a poor record in keeping secrets. There is justification for these perceptions. Of the first ten briefings given to the Committee on Foreign Affairs following enactment of Hughes-Ryan, two were leaked to the press by a Member or Members, one within hours after the briefing ended.

In the one known case in which the Congress did not receive prior reporting, there was almost universal agreement that such a deferral was a prudent action that did not adversely affect the mechanism of congressional oversight. More importantly the operation was a success and the lives of those involved protected.

The principal case advanced by the proponents of H.R. 7668 for prior reporting under all circumstances is based upon the argument that it is necessary if Congress is to be able to exercise proper oversight over the intelligence programs. This committee has consistently argued that proper oversight is absolutely essential if Congress is to carry out its responsibilities as spelled out in the Constitution. Such oversight, however, must be exercised in a realistically balanced and practical way. Otherwise it will damage U.S. national interests and impair the programs and agencies subjected to oversight. In this respect the committee fails to see the logic of the requirements of H.R. 7668 as introduced.

If the prior reporting under extraordinary circumstances occurs as envisioned under section 501(a)(2), the reporting is provided only to the chairmen and ranking minority members of the two Intelligence Committees, who will be unable to discuss the matter with any member or staff of the committee until the broader reporting after "the shortest practicable period." Informing only four persons who cannot communicate with their colleagues on the matter does not constitute practical or meaningful congressional oversight, in our view, especially when the time span until broader notification is expected to be so short—perhaps only "a matter of hours."

Reducing the number to be briefed does not necessarily mean that the information given will be any more secure. One more person may be one too many. A basic rule in intelligence is that the fewer people who know of an operation, the less is the chance for disclosure. Under the extraordinary circumstances envisioned, there would be need for *maximum* secrecy.

The Intelligence Committee, in section 501(b), accepts the principle of waiving the prior reporting requirement in certain circumstances. Section 501(b) lifts the prior reporting requirement entirely in times of declared war or periods covered by a War Powers Resolution report. However, these are circumstances which are not directly linked to intelligence needs. The fact is that intelligence services are in a competitive international arena year in and year out. If exceptions to the prior reporting requirement are acceptable, they should apply not only during a declared war or other periods of military combat but also in those circumstances of special need from an intelligence standpoint.

CONGRESSIONAL OVERSIGHT

The Foreign Affairs Committee's belief in strong congressional oversight over intelligence activities derives in part from its awareness that its responsibilities for overseeing U.S. foreign policy covers the totality of U.S. relationships and actions abroad—which must include intelligence along with political, military, economic, and other activities.

From its years of experience with Hughes-Ryan, the committee believes it can continue to exercise its foreign affairs oversight responsibility without the mandated reporting on covert activities to the House Foreign Affairs Committee, provided (a) the committee maintains permanent representation on the House Intelligence Committee (it requests that its representation on that committee be increased to at least three from its present one Member); and (b) it continues to receive the results of all information gathered. It was with these expectations that the committee reported H.R. 6942 and now reports H.R. 7668.

While the Foreign Affairs Committee is willing to limit the exercise of some of its jurisdiction through a revision of Hughes-Ryan, it is not willing to do so by impairing the U.S. intelligence system or diminishing the committee's jurisdictional responsibility, which would result from the enactment of H.R. 7668 as reported by the Intelligence Committee.

Furthermore, the Foreign Affairs Committee's approval of the amendments to H.R. 7668 as amended in no way implies, directly or

indirectly, that the committee intends to relinquish its jurisdiction over intelligence activities relating to foreign policy. Intelligence is an essential tool of foreign policy and plays a fundamental role in the formulation, timing and execution of that policy. Therefore, in carrying out its oversight responsibilities, the committee will continue to afford intelligence the attention that it requires. The committee's mandate is anchored in rule X, clause 3(d) of the Rules of the House. Under the heading "Special Oversight Function," the pertinent portions of that rule read as follows:

(d) The Committee on Foreign Affairs shall have the function of reviewing and studying, on a continuing basis, all laws, programs, and Government activities dealing with or involving * * * intelligence activities relating to foreign policy * * *.

That position is further reinforced and complemented by rule XLVIII of the Rules of the House relating to the Permanent Select Committee on Intelligence. Clause 2 (c) and (d) of that rule read as follows:

(c) Nothing in this rule shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence or intelligence-related activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in the rule shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the House to obtain full and prompt access to the product of the intelligence and intelligence-related activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

Accordingly, upon enactment of this committee's recommended modification to the Hughes-Ryan amendment, the Committee on Foreign Affairs will continue to fully and responsibly exercise its oversight jurisdiction over intelligence activities relating to foreign policy.

NEED FOR A PREAMBULAR CLAUSE IN SECTION 502 (B)

In addition to the deficiency, noted above, in the prior reporting requirement originally proposed in section 501 of H.R. 7668, the committee is concerned about the potential of section 502 for impairing the ability of the United States to insure the continuing cooperation of friendly intelligence services and sources of information around the world. Such cooperation is, of course, highly important for the security and foreign policy interests of the United States.

Section 502 of H.R. 7668 would require U.S. intelligence agencies to turn over any information requested by the Intelligence Committees, thus precluding U.S. intelligence agencies from guaranteeing anonymity to the sources and confidentiality of the information received.

At the time of its markup of H.R. 7668, the Foreign Affairs Committee had before it a proposed amendment by Chairman Zablocki similar to the preambular clause found in the comparable Senate-passed bill, S. 2284. The proposed amendment provided that the furnishing of

information to the oversight committees would be carried out "to the extent consistent with all applicable authorities and duties, including those conferred by the Constitution upon the executive and legislative branches of the Government, and to the extent consistent with due regard for the protection from unauthorized disclosure of classified information and information relating to intelligence sources and methods."

The purpose of the amendment is to preclude a confrontation between the Executive and the Legislative branches over their respective Constitutional authorities and duties in this vital area of national security. The amendment is designed to make it clear that the obligations imposed by section 502(a) of the bill are to be carried out to the extent consistent with all applicable authorities and duties including those conferred by the Constitution on both the Executive and Legislative branches, and to the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to intelligence sources and methods.

Chairman Zablocki withdrew the amendment by unanimous consent of the committee in order to avoid any jurisdictional complications. He stated his intent to offer the amendment during consideration of H.R. 7668 on the House floor.

COST ESTIMATE

H.R. 7668 does not authorize the appropriation of any funds.

INFLATIONARY IMPACT STATEMENT

Enactment of H.R. 7668 would not have any inflationary impact on the nation's economy.

STATEMENTS REQUIRED BY CLAUSE 2(1)(3) OF HOUSE RULE XI

(A) OVERSIGHT FINDINGS AND RECOMMENDATIONS

As the co-originator of section 662 of the Foreign Assistance Act of 1961 (the Hughes-Ryan Amendment), the Committee on Foreign Affairs has developed a special expertise on Congressional oversight of covert intelligence activities which impact on U.S. foreign policy. Since the enactment of that provision of law the committee has been apprised of numerous intelligence activities and has been engaged in ongoing consultations, briefings, and other oversight activities pursuant to the Hughes-Ryan Amendment. Based on these oversight activities, it is strongly recommended that the committee amendments be adopted.

(B) BUDGET AUTHORITY

The enactment of H.R. 7668 will create no new budget authority.

(C) COMMITTEE ON GOVERNMENT OPERATIONS SUMMARY

No oversight findings and recommendations which related to this measure have been received from the Committee on Government Operations under clause 4(c)(2) of rule X of the House.

(D) CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., July 31, 1980.

HON. CLEMENT J. ZABLOCKI,
*Chairman, Committee on Foreign Affairs, U.S. House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 7668, a bill to strengthen the system of Congressional oversight of the intelligence activities of the United States, as ordered reported by the House Committee on Foreign Affairs on July 31, 1980.

Based on this review, it is expected that no additional cost to the Government would be incurred as a result of enactment of this legislation.

Sincerely,

ALICE M. RIVLIN, *Director.*

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in *roman*):

NATIONAL SECURITY ACT OF 1947

AN ACT To promote the national security by providing for a Secretary of Defense; for a National Military Establishment; for a Department of the Army, a Department of the Navy, and a Department of the Air Force; and for the coordination of the activities of the National Military Establishment with other departments and agencies of the Government concerned with the national security.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

That this Act may be cited as the "National Security Act of 1947".

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TITLE V—ACCOUNTABILITY FOR INTELLIGENCE ACTIVITIES

SPECIAL ACTIVITIES

SEC. 501. (a) (1) No funds appropriated by the Congress may be expended by or on behalf of the Central Intelligence Agency or by or on behalf of any other department, agency, or other entity of the United States for any special activity unless and until the President (A) finds that each such activity is important to the national security of the United States, and (B) except as provided in paragraph (2), reports, before the initiation of such activity, a description and the scope of such activity to the intelligence committees of the Congress.

(2) The President may defer, for the shortest practicable period, such prior reporting if at the time the report is given the President certifies that such deferral was essential to meet extraordinary circumstances affecting the vital interest of the United States or was essential to avoid unreasonable risk to the safety or security of the personnel or methods employed.

(3) Nothing in this subsection shall be construed as requiring the approval of the intelligence committees before the initiation of any special activity.

(b) This section shall not apply to any special activity initiated by the United States pursuant to a declaration of war approved by the Congress or any special activity initiated by the United States during any period covered by a report from the President to the Congress under the War Powers Resolution (50 U.S.C. 1541 et seq.) which is conducted in furtherance of the use of the Armed Forces of the United States that is the subject of the report.

REPORTING OF INTELLIGENCE ACTIVITIES

SEC. 502. (a) The head of each department, agency, or other entity of the United States involved in intelligence activities shall—

(1) keep the intelligence committees fully and currently informed of all intelligence activities which are engaged in by, or are carried out for or on behalf of, that department, agency, or entity of the United States;

(2) furnish any information or material concerning intelligence activities which is in the possession, custody, or control of that department, agency, or entity of the United States and which is requested by either intelligence committee in order to carry out its authorized responsibilities; and

(3) report in a timely fashion to the intelligence committees information relating to any intelligence activity of that department, agency, or entity that has been reported to the President, to the Attorney General, or to the head of that entity as being illegal or improper. Information reported to the intelligence committees pursuant to paragraph (3) shall include a description of the corrective actions that have been taken or that are planned to be taken with respect to such activity.

(b) The President and the intelligence committees shall each establish such procedures as may be necessary to carry out the provisions of subsection (a).

PROTECTION OF SOURCES AND METHODS

Sec. 503. The House of Representatives and the Senate, in consultation with the Director of Central Intelligence, shall each establish, by rule or resolution of such House, procedures to protect from unauthorized disclosure all information furnished to the intelligence committees or to Members of the Congress under this title. Such procedures shall require that the intelligence committees store and use such information in a manner consistent with all applicable classifications and the protection from unauthorized disclosure of intelligence sources and methods.

CONSTITUTIONAL PREROGATIVES

SEC. 504. Nothing in this title shall be considered to alter, in any manner, the respective authorities, duties, and obligations conferred by the Constitution on the legislative and executive branches of the Government of the United States.

DEFINITIONS

Sec. 505. For the purposes of this title, the term—

(a) "intelligence committees" means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) "special activity" means an activity conducted abroad in support of national foreign policy objectives which is designed to further official United States programs and policies abroad and which is planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activity, but does not include diplomatic activity or the collection and production of intelligence or related support functions.

SECTION 662 OF THE FOREIGN ASSISTANCE ACT OF 1961

[SEC. 662. LIMITATION ON INTELLIGENCE ACTIVITIES.—(a) No funds appropriated under the authority of this or any other Act may be expended by or on behalf of the Central Intelligence Agency for operations in foreign countries, other than activities intended solely for obtaining necessary intelligence, unless and until the President finds that each such operation is important to the national security of the United States and reports, in a timely fashion, a description and scope of such operation to the appropriate committees of the Congress, including the Committee on Foreign Relations of the United States Senate and the Committee on Foreign Affairs of the United States House of Representatives.

[(b) The provisions of subsection (a) of this section shall not apply during military operations initiated by the United States under a declaration of war approved by the Congress or an exercise of powers by the President under the War Powers Resolution.]